
REESE RICHMAN LLP

October 15, 2012

VIA U.S. MAIL

Honorable Sue L. Robinson
United States District Judge
United States District Court for the District of Delaware
844 North King Street Unit 31
Wilmington, Delaware 19801-3570

Re: ***In re: Google Cookie Placement Consumer Privacy Litigation***
Case No. 1:12-md-02358-SLR (D. Del.)
Carandang v. Google Inc.
Case No. CGC-12-518415 (Cal. Super. Ct.)

Dear Judge Robinson,

My firm, Reese Richman LLP, along with Milberg LLP, represent plaintiff Mark Carandang and the proposed class of California residents in *Carandang v. Google Inc.*, Case No. CGC-12-518415 (Cal. Super. Ct.) (the “Carandang Action”). A copy of the Carandang Action complaint is attached hereto as Exhibit A.

On October 3, 2012, the presiding judge in the Carandang Action, Judge Richard A. Kramer, ordered that “This matter shall proceed in coordination with [*In re: Google Cookie Placement Consumer Privacy Litigation*, Case No. 1:12-md-02358-SLR (D. Del.) (the “MDL Action”)] currently pending in the District of Delaware,” and encouraged the parties to draft and submit a proposed joint coordination order in the MDL Action. A copy of Judge Kramer’s October 3, 2012 order is attached hereto as Exhibit B.

Further to Judge Kramer’s Order, we attach hereto as Exhibit C a proposed joint coordination order for your consideration. Judge Kramer also requested that we appear before Your Honor at the In-Person Scheduling and Status Conference to be held in the MDL Action on October 24, 2012, to discuss coordination of our case with the MDL Action. In the remainder of this letter we provide background information about the Carandang Action.

The Carandang Action and the MDL Action both arise from allegations that Google subverted Apple Inc.’s Safari web browser privacy protections and that Google subsequently tracked Internet users’ web browsing without the users’ consent or knowledge. The Carandang Action and the MDL Action both were filed shortly after a February 17, 2012 article published in *The Wall Street Journal* revealed the conduct at issue. We filed the Carandang Action on February 21, 2012, shortly after the first of the MDL actions, *Soble v. Google Inc.*, No. 1:12-cv-0200, was filed before Your Honor on February 17, 2012. Wilson Sonsini Goodrich & Rosati represents Google in both the state and the federal matter.

Hon. Sue L. Robinson

October 15, 2012

Page 2 of 2

The Carandang Action was the first and only case to allege violation of the California Constitution, Article I, Section 1, and was the first case to include claims for violation of California Penal Code § 502, violation of California Penal Code § 631, and invasion of privacy under California common law.

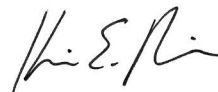
Google made a motion to stay or, alternatively, to dismiss the Carandang Action under the doctrine of *forum non conveniens* on April 25, 2012. On the same day, Google filed an application for the Carandang Action to be designated as “complex” under the California Rules of Court. After the parties completed briefing on the *forum non conveniens* motion and before the hearing, the court granted Google’s application for a complex litigation designation and transferred the case to Judge Kramer. Judge Kramer heard oral argument on the *forum non conveniens* motion on September 13, 2012.

At the oral argument, Judge Kramer denied Google’s motion to dismiss or stay the Carandang Action. Exhibit B. Judge Kramer also asked the parties to discuss with Your Honor, as well as plaintiffs’ counsel in the MDL Action the possibility of coordinating the Carandang Action with the MDL Action, and, to that end, requested that the parties jointly draft a proposed coordination order to be signed both by himself and Your Honor. Exhibit C.

In furtherance of Judge Kramer’s request, we are prepared to reach out to plaintiffs’ counsel in the MDL Action, and will commence doing so upon appointment of lead counsel in the MDL Action and approval of the Court. We also have worked closely with defense counsel in drafting the proposed coordination order, which was based upon a sample model provided by Judge Kramer.

Unless Your Honor objects, and further to Judge Kramer’s request, we intend to be present at the In-Person Status and Scheduling Conference to be held before Your Honor on October 24, 2012, to further discuss coordination of the Carandang Action with the MDL Action.

Respectfully submitted,



Kim E. Richman

Enclosures

cc: Honorable Richard A. Kramer, California Superior Court Judge (via U.S. Mail)
Anthony Weibell, Wilson Sonsini Goodrich & Rosati (via E-mail & U.S. Mail)
Peter E. Seidman, Milberg LLP (via E-mail)
Stephen G. Grygiel, Keefe Bartels, LLC (via E-mail)
James P. Frickleton, Bartimus, Frickleton, Robertson & Gorny, P.C. (via E-mail)
Brian Russell Strange, Strange & Carpenter (via E-mail)
David A. Straite, Stewarts Law US LLP (via E-mail)
Ben Barnow, Barnow and Associates, P.C. (via E-mail)
Lance A. Harke, P.A., Harke Clasby & Bushman, LLP (via E-mail)
Richard L. Coffman, Coffman Law Firm (via E-mail)